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**Filed** : **December 14, 2001**

### **REMARKS**

The foregoing amendments and the following remarks are responsive to the April 3, 2007 Final Office Action. Claims 1, 15, and 38 are amended, Claims 2-14, 16-37, and 39-49 remain as originally filed, and Claims 50 and 51 are cancelled without prejudice. Thus, Claims 1-49 are presented for further consideration.

#### **Comments on Telephonic Interview with Examiner Lastra**

Applicants thank Examiner Lastra for extending the courtesy of conducting a telephonic interview with Applicants' representative, Bruce S. Itchkawitz, on July 23, 2007. During the interview, U.S. Patent Application No. US2006/0212904A1 of Klarfeld et al. ("Klarfeld") and Claim 1 of the present application were discussed, but no agreement was reached.

#### **Response to Rejection of Claims 1-22 and 26-49 Under 35 U.S.C. § 102(e)**

In the April 3, 2007 Final Office Action, the Examiner rejects Claims 1-22 and 26-49 under 35 U.S.C. § 102(e) as being anticipated by Klarfeld. Applicants respectfully submit that Klarfeld does not anticipate Claims 1-22 and 26-49 for at least the following reasons.

##### **Claims 1-22 and 26-37**

As described herein, Applicants have amended Claim 1 to recite (emphasis added):

1. An audiovisual system for use with a display device for displaying an audiovisual advertisement to a user, the audiovisual system comprising:

a storage subsystem adapted to receive and store audiovisual advertising segments and to retrieve and transmit stored audiovisual advertising segments, each audiovisual advertising segment having metadata indicative of the audiovisual advertising segment;

a preference determination module coupled to the storage subsystem, the preference determination module responsive to user input and to the metadata to generate one or more user profiles, each user profile indicative of characteristic viewing preferences of a corresponding user; and

a system controller coupled to the storage subsystem, the system controller responsive to the metadata and to the user profile corresponding to the user to form a **complete multi-segment audiovisual advertisement comprising a plurality of audiovisual advertising segments** by selecting and retrieving a plurality of stored audiovisual advertising segments from the storage subsystem and dynamically assembling the retrieved plurality of stored audiovisual advertising segments to form the complete multi-segment audiovisual advertisement, **wherein each of the segments is directed to a common subject of the complete multi-segment advertisement**, whereby the plurality of stored audiovisual advertising

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segments is selected to tailor the complete multi-segment audiovisual advertisement to the characteristic viewing preferences of the user.

Applicants submit that amended Claim 1 is fully supported by the present application as originally filed, including but not limited to, paragraphs [0046], [0047], and [0064]-[0071].

Applicants submit that Klarfeld does not disclose all the limitations of amended Claim 1. For example, Klarfeld does not disclose “a system controller ... to form a complete multi-segment audiovisual advertisement comprising a plurality of audiovisual advertising segments ..., wherein each of the segments is directed to a common subject of the complete multi-segment advertisement.” A specific example of the claimed invention recited by amended Claim 1 is described by the specification at paragraphs [0064]-[0067], which describe an embodiment where a complete multi-segment advertisement for an automobile comprises a plurality of advertising segments. Each advertising segment is directed to the common subject of the advertisement to urge users to purchase the advertised automobile.

In contrast, Klarfeld discloses displaying discrete, non-segmented advertisements. While Klarfeld discloses that a preference agent selects these discrete advertisements, Klarfeld does not disclose or suggest having “a complete multi-segment advertisement comprising a plurality of audiovisual advertising segments,” as recited by amended Claim 1. Furthermore, Klarfeld does not disclose or suggest that each of these discrete advertisements is directed to a common subject of any of the other discrete advertisements. Therefore, Klarfeld does not disclose or suggest that each of the segments making up the complete multi-segment advertisement “is directed to a common subject of the complete multi-segment advertisement,” as recited by amended Claim 1.

For at least the reason that Klarfeld does not disclose every limitation recited by amended Claim 1, Applicants submit that amended Claim 1 is patentably distinguished over Klarfeld. Each of Claims 2-22 and 26-37 depends either directly or indirectly from amended Claim 1, so each of Claims 2-22 and 26-37 includes all the limitations of amended Claim 1 as well as other limitations of particular utility. Therefore, Claims 2-22 and 26-37 are patentably distinguished over Klarfeld for at least the reasons set forth above with respect to amended Claim 1. Applicants respectfully request that the Examiner withdraw the rejection of Claims 1-22 and 26-37 and pass these claims to allowance.

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**Claim 38-49**

Amended Claim 38 is patentably distinguished over Klarfeld at least for reasons similar to those set forth above with respect to the patentability of amended Claim 1. For at least the reason that Klarfeld does not disclose or suggest all the limitations recited by amended Claim 38, Applicants submit that amended Claim 38 is patentably distinguished over Klarfeld. Each of Claims 39-49 depends either directly or indirectly from amended Claim 38, so each of Claims 39-49 includes all the limitations of amended Claim 38 as well as other limitations of particular utility. Therefore, Claims 39-49 are patentably distinguished over Klarfeld for at least the reasons set forth above with respect to amended Claim 38. Applicants respectfully request that the Examiner withdraw the rejection of Claims 38-49 and pass these claims to allowance.

**Response to Rejection of Claims 23-25 Under 35 U.S.C. § 103(a)**

In the April 3, 2007 Final Office Action, the Examiner rejects Claims 23-25 under 35 U.S.C. § 103(a) as being unpatentable over Klarfeld. As discussed above, Applicants submit that amended Claim 1 includes limitations that are not disclosed or suggested by Klarfeld. Each of Claims 23-25 depends indirectly from amended Claim 1, so each of Claims 23-25 includes all the limitations of amended Claim 1 as well as other limitations of particular utility. Therefore, Claims 23-25 are patentably distinguished over Klarfeld for at least the reasons set forth above with respect to amended Claim 1. Applicants respectfully request that the Examiner withdraw the rejection of Claims 23-25 and pass these claims to allowance.

**Response to Rejection of Claims 50 and 51 Under 35 U.S.C. § 103(a)**

In the April 3, 2007 Final Office Action, the Examiner rejects Claims 50 and 51 under 35 U.S.C. § 103(a) as being unpatentable over Klarfeld in view of U.S. Patent No. 6,756,997 issued to Ward, III et al. (“Ward”). As described herein, Applicants have cancelled Claims 50 and 51 without prejudice, reserving the right to pursue allowance of these claims through continuation practice. Applicants respectfully request that the Examiner consider the patentability of the remaining pending claims.

**Summary**

For at least the foregoing reasons, Applicants submit that Claims 1-49 are in condition for allowance, and Applicants respectfully request such action.

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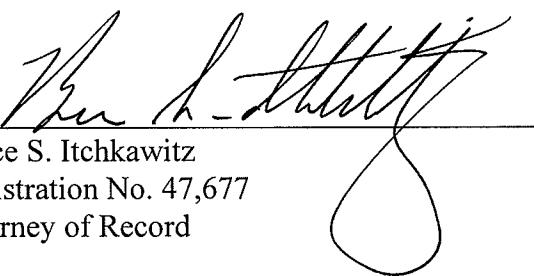
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Respectfully submitted,

Dated: 7/26/07

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